

CITY COUNCIL MINUTES
April 28, 2014

The Honorable Council of the City of Evansville met on regular session at 5:30 p.m. on Monday, April 28, 2014 in the City Council Chambers, Room 301 Civic Center Complex, Evansville, Indiana, with President John Friend presiding and conducting the following business.

These minutes do not represent a verbatim transcript. Audiotapes of this meeting are on file in the City Clerk's Office.

President Friend: The Honorable Council of the City of Evansville is hereby called to order. Madam Clerk, please call the roll.

ROLL CALL:

Present: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: There being nine (9) members present and zero (0) members absent and nine (9) members representing a quorum, I hereby declare this session of the Common Council officially open.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance will be by Councilwoman Mosby.

President Friend: Fellow Councilmen and those in the audience, welcome to the April 28th meeting of the Common Council.

RECOGNITION OF SCHOOLS

Sydney Mauer: Sydney Mauer of Mater Dei High School

Unknown Speaker: We are all from North.

President Friend: Thank you. Thanks for coming.

COUNCIL ATTORNEY

This evening we got Scott Danks as our City Council Attorney.

SERGEANT AT ARMS

The Sergeant at Arms is Officer Ward.

APPROVAL OF MINUTES

I need a motion to approve the minutes of the April 14, 2014 meeting of the Common Council as written.

Councilman O'Daniel moved and Councilman Adams seconded the motion to approve the minutes of the regular meetings of the Common Council held April 14, 2014 as written. Voice vote. So ordered.

REPORTS AND COMMUNICATIONS

IN YOUR APRIL 25th PACKET:

- * City Council Meeting Agenda for April 28, 2014
- * Committee Meeting Schedule for April 28, 2014
- * Ordinances G-2014-4, G-2014-5, G-2014-6, F-2014-5 and R-2014-10
- * Resolution C-2014-9 (Docket)
- * Area Plan Commission Staff Field Reports dated April 11, 2014 and Meeting Minutes dated April 10, 2014
- * Evansville Redevelopment Commission Minutes dated April 1, 2014

EMAILED MATERIAL:

- * City Council Meeting Minutes for April 14, 2014

ON YOUR DESK THIS EVENING:

- * April 28, 2014 Extended Agenda
- * February 2014 Financial Report
- * Ordinance R-2014-11

President Friend: Is there a motion to receive, file, and make these reports and communications a part of the minutes of the meeting?

Councilwoman Mosby moved and Councilman Weaver seconded the motion to receive, file and make these reports and communications a part of the minutes of the meeting. Voice vote. So ordered.

CONSENT AGENDA

FIRST READING OF ORDINANCES AND RESOLUTIONS

<u>ORDINANCE G-2014-4</u>	<u>FINANCE</u>	<u>COUNCIL AS A WHOLE</u>
----------------------------------	-----------------------	----------------------------------

An Ordinance repealing Ordinance F-2012-1 Amended (EarthCare)

<u>ORDINANCE G-2014-5</u>	<u>FINANCE</u>	<u>O'DANIEL</u>
----------------------------------	-----------------------	------------------------

A Special Ordinance Authorizing the City of Evansville to Issue Up to \$7,500,000 Aggregate Principal Amount of its City of Evansville, Indiana Multifamily Housing Revenue Bonds, Series 2014 (Eastland Apartments Project) (the "Bonds") in One or More Series and Approving and Authorizing Other Actions in Respect Thereto

ORDINANCE G-2014-6**FINANCE****FRIEND**

An Ordinance of the Evansville Common Council Authorizing the City of Evansville, Indiana, to Issue One or More Series of its "Economic Development Revenue Bonds (Medical School Project)", and Approving and Authorizing Other Actions in Respect Thereto

ORDINANCE F-2014-5**FINANCE****O'DANIEL**

An Ordinance of the Common Council of the City of Evansville Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

President Friend: A motion to adopt the Consent Agenda as written?

I had a motion by Dr. Adams and seconded by Councilman O'Daniel. Ayes? Nays?
(*Unanimous Ayes*) Goes forth

CONSENT AGENDA**SECOND READING OF ORDINANCES AND RESOLUTIONS**

Nothing filed for Second Reading.

REGULAR AGENDA**THIRD READING OF ORDINANCES AND RESOLUTIONS**

Nothing filed for Third Reading.

President Friend: Boy, light night. Great.

RESOLUTION DOCKET**RESOLUTION C-2014-9 (DOCKET)****WEAVER, FRIEND, ROBINSON, LINDSEY,****ADAMS & MOSBY**

A Resolution of the Common Council of the City of Evansville, Indiana Requesting a Fiscal Impact Study of Granting Benefits, Rights and Protections to Domestic Partners, Civil Unions and All Marriages

President Friend: Okay, do we have any discussion on this? Okay, with that I'll entertain a motion for Resolution C-2014-9.

Unknown Speaker: (*Off Mic*) (*Inaudible*)

President Friend: Well yeah, I'm getting ahead of myself again; sorry about that. Anybody in the audience like to comment on this Resolution, for or against? Yeah, come on up. Please forgive me for trying to cut you short.

Randy Jones: I would like to know what actually is the Resolution that we're...that you're voting on. I mean, what's it contain?

President Friend: What's your name and...?

Randy Jones: Randy Jones.

President Friend: Randy? Yeah.

Randy Jones: Evansville, Indiana; I been here all my life.

Councilman O'Daniel: John, do you want to take that?

President Friend: Sure.

Councilman O'Daniel: Or Jonathan? I mean I think you got in front of this.

President Friend: It's up to...I can do it or you can do it. Want me do it? What, Randy, what we're doing here on this is that these benefit packages across the country have been popping up but also in other municipalities and what the Council is interested in should the executive branch wish to go forward with this, or any ordinance needs to go forward, what's going to be the impact, if any, on the treasury, the tax payers' money? And I think it's only...it's only worthwhile to know what those extra benefits would be.

Randy Jones: Is this Resolution going to be just for certain people or everyone?

President Friend: No, it...

Randy Jones: Other words if...say...let's say some state decides that it's okay to have five wives, are we going to put the five wives on there or I mean is this going to be...in the future, once you make a certain rule that marriage isn't between two people of like marriage, a man and a woman, then you open up a whole new package out there and there are states that I know, there's probably groups out there just waiting for this to be demolished. So that's the question that I have. I mean...

President Friend: It appears in some of the courts...

Speaking Simultaneously

Councilman Adams: *(Inaudible)*

President Friend: Go ahead.

Councilman Adams: Randy, I have trouble handling one wife, let alone five. But frankly...

Randy Jones: But you may come around once this Resolution...

Councilman Adams: But honestly, I think this only pertains to City employees.

Randy Jones: City employees?

Councilman Adams: Yeah, we're not taking on the whole...we're not taking on the world here.

Randy Jones: You're not taking on the world, I realize that but a group comes in and says, "Hey, we want all of ours covered also". How can you say, "No, you can't do that"?

Councilman Adams: But we don't control that. We're talking about just the City employees.

Randy Jones: The City employees, that's what I'm saying. You're talking about City but if another group comes up and says, "Well we want to be on that too and you've already granted this, this, and this", well how can you deny anyone?

Councilman Adams: We are talking about City employees; doing a study on the financial impact...

Randy Jones: Okay.

Councilman Adams:...of this on a City...

Multiple Speakers: *(Inaudible)*

Councilman Adams: Randy...

Randy Jones: I'll let it go.

Councilman Adams: Randy what...I mean we can play "what if" games all night but the bottom line is...

Randy Jones: I'm not playing "what if" games.

Councilman Adams:...this is all we're talking about.

Councilman O'Daniel: The thing is, part of the benefit package that City employees have is insurance as well as PERF and those sort of things and so I think it's only incumbent for us to look at these things and get out in front of it to determine what that's going to cost us.

Randy Jones: I agree.

Councilman O'Daniel: I mean we know that right now it's what, \$16,000 a year per City employee, something like that for insurance...

Randy Jones: So basically, you're just going...

Councilman O'Daniel:...so we need to see how many people...

Randy Jones: *(Inaudible)*

Councilman O'Daniel:...how many people is it going to cover, you know, what is it going to cost us if we choose to go that direction?

Randy Jones: Okay.

Councilman O'Daniel: Some of it is being brought down from higher courts and there is a changing definition amongst other states, and I think it's only prudent for us to look...
(Inaudible)

Speaking Simultaneously

Randy Jones: You're going to do a study at this time though?

Speaking Simultaneously

Councilman O'Daniel: *(Inaudible)*

Randy Jones: Alright, thank you.

President Friend: Thanks Randy, appreciate your comments. Do we have any other comments in the audience? With that...any other comments from anybody...Council?

Councilman Brinkerhoff-Riley: I just...Mr. President, would add that...and thank you to Councilman Weaver for bringing this up...the Teamsters started offering same-sex benefits to our employees who are Teamsters, effective January 1 of this year through their own change in policy through Central States, which is the insurance provider for our Teamsters. And so one of the reasons to study the cost of this issue is because right now we have employees that have these benefits and then we have non-bargaining unit employees who do not in terms of the same sex and along the way, it makes sense to look at the domestic partnership issue, given what so many of our local employers are doing. So that was all. Thank you.

President Friend: Thank you. Any other comments?

With that, I entertain a motion.

Councilman O'Daniel: So moved.

Councilman Weaver: Second.

President Friend: I had a motion by Councilman O'Daniel and seconded by Councilman Weaver. Madam Clerk, please call the roll.

ROLL CALL:

Aye: McGinn, Mosby, Brinkerhoff-Riley, Robinson, Lindsey, Adams, O'Daniel, Weaver, Friend

President Friend: Nine (9) Ayes and zero (0) Nays, Resolution C-2014-9 is hereby declared adopted.

MISCELLANEOUS BUSINESS

There will be no meeting of the Common Council on Monday, May 5, 2014. The next meeting of the Common Council will be Monday, May 12, 2014 at 5:30 p.m. Committee Meetings will begin at 5:10 p.m., Monday, May 12, 2014.

City Council Boards And Commission Appointments

President Friend: Next is the City...is a City Council Board Commission appointments. We might want to...do we...first of all it's...let me say this, we put this on the agenda pretty quick, didn't give enough time for a lot of you to think through this. We could hold this and leave...yes, go ahead.

Councilwoman Robinson: Well Mr. President, I have someone for the Haynie's Corner Art District Advisory Commission. I've asked Scott Baker if he would like to serve and he said he would.

President Friend: Great.

Councilwoman Robinson: He lives in that area.

President Friend: Okay, with that...with that is there no objections? Then we shall.

Unidentified Speaker: *(Off Mic) (Inaudible)*

Unidentified Speaker: *(Off Mic)* Scott Baker.

Councilwoman Robinson: Scott Baker.

President Friend: Scott...motion to approve by Councilman O'Daniel and by Councilman Weaver seconded it. With that, fine. It was so ordered with that.

Now on the other one we have the Evansville Urban Enterprise Association Board. Do you want to just hold that til next time if somebody doesn't have anybody?

(Inaudible)

President Friend: Pardon me? Okay, so I have a motion if we just hold that over to the next meeting.

Unidentified Speaker: *(Off Mic)* So moved.

President Friend: So moved? Okay, Conor and seconded, Missy? Great. Alright with that...now next comes up is a...the David Garrett lead sheets.

Council Attorney Danks: *(Off Mic)* May I address that?

President Friend: Yes, yes.

Council Attorney Danks: *(Off Mic)* I requested this item be put on the Councils' agenda back on November the 18th of 2013.

City Clerk Windhorst: Mic.

President Friend: Mic...mic.

Council Attorney Danks: *(Off Mic)* My mic is on.

President Friend: Oh yeah.

Council Attorney Danks: *(Off Mic)* Can you not hear me?

City Clerk Windhorst: No. Sorry.

Council Attorney Danks: There was discussion about the findings of the forensic auditor and after that discussion there was a request by the Administration that the Council turn over Mr. Garrett's lead sheets, or copies of his lead sheets, to the Administration.

I had not consulted with Mr. Garrett. The Council unanimously voted for me to do that. Mr. Garrett was informed of the Council's actions and contacted me, and several Councilmembers, objecting to doing that. His position is that those lead sheets are his property, not the property of this Council and not my property either. I agree with Mr. Garrett. The Council never had possession of those lead sheets. I did not have possession of those lead sheets; I did not examine those lead sheets. They were brought to my office for the sole purpose of forwarding those to the forensic auditor and so they were never given to me or to the Council so I don't think that it's the Council's prerogative to order those to be released to the Administration.

So I attempted to broker a resolution between Mr. Garrett and the Administration; I was not successful in doing so. It is still his position that those items are his property, not the property of the Council. So I'm asking the Council to direct me to surrender these documents to Mr. Garrett and then...and I think I spoke to Mr. Ziemer last week and he told me the Administration was not going to take a position on this matter but if that changes, for whatever reason, then I would ask that we just leave it up to the Administration's attempts to get it directly from Mr. Garrett. Currently I'm in an untenable situation. I've been instructed by the Council to furnish this to the Administration; I've been instructed by the owner of the property not to do so.

So I'm asking permission to give it back to Mr. Garrett. If the Administration wants to pursue it further, and I don't think that it does; if it does, they can address that directly to Mr. Garrett and that's all I have.

President Friend: Thank you Scott. One thing we want to make the public aware of is that we did hire Mr. Garrett to do some work for us to make the attempt that the records are reconciled and all this and this has nothing to do with that end. He was not compensated in any way for that particular work cause there could be some confusion in the public's eye.

So with that, do we have any...

Councilman Adams: Well I think it's important to also state that he did this on his own recognizance...

President Friend: Yes.

Councilman Adams:...that we did not pay for this. I've not read it. I sure don't think I own it so...

President Friend: Exactly.

Councilman Adams: I have no problem with that.

Councilman Brinkerhoff-Riley: Mr. President, I have a point of information. Did anyone from Council review the materials that were sent to the forensic auditor that was engaged?

Council Attorney Danks: *(Off Mic)* No.

President Friend: No, I don't believe so.

Council Attorney Danks: In fact, if I may...and Dr. Adams, I agree if he had been compensated for his work then I think it becomes the property of the Council.

Councilman Adams: Sure.

Council Attorney Danks: But as far as him allowing anybody to review it when he delivered these materials to my office, he made the specific request that nobody review those materials, including myself. He wanted those forwarded directly to the forensic accountant.

Councilman Brinkerhoff-Riley: Mr. President, I have another question. What was the cost of the audit?

President Friend: The audit?

Council Attorney Danks: *(Off Mic)* Preliminary determination was...

Councilman Brinkerhoff-Riley: What was that...what was that cost?

President Friend: Oh yeah, it was \$25,000, yes.

Council Attorney Danks: *(Off Mic)* \$2,500.

Spoken Simultaneously

Councilwoman Robinson: *(Off Mic)* \$2,500.

President Friend: Twenty-five HUNdred. \$2,500, excuse me. Slipped in a digit there. Sorry about that.

Any other questions regarding this? Have anybody in the audience? With that, I entertain a...

Councilman Adams: I'll make a motion that that we allow our legal representation to give Mr. Garrett his materials back.

Councilman McGinn: Second.

President Friend: Okay, a motion by Dr. Adams and seconded by Councilman McGinn. Ayes? Nays? *(Councilman O'Daniel and Councilwoman Brinkerhoff-Riley voted Nay).*

Okay, we have two (2) Nays and seven (7) Yeas. With that...there were three (3) nays.

Councilman O'Daniel: *(Off Mic)* It was six/three.

Multiple Speakers: *(Off Mic) (Inaudible)*

President Friend: I do vote. Let's roll. Let's get this... *(Off Mic)* Yeah, you want to do a roll call Madam Clerk?

Comment made prior to casting his vote:

Councilman McGinn: Yeah, I'm going to vote aye to withdraw it because if he gave those to you only to forward they were never in our possession and I don't think we have the authority to give them to the Administration in the first place so I vote aye.

ROLL CALL:

Aye: McGinn, Mosby, Robinson, Lindsey, Adams, Weaver, Friend

Nay: Brinkerhoff-Riley, O'Daniel

President Friend: Seven (7) ayes and two (2) Nays, it goes forth with do...turn these back over to Mr. Garrett.

Next on the agenda is Committee Reports.

COMMITTEE REPORTS:

A.S.D. COMMITTEE:

Nothing scheduled at this time.

CHAIRMAN ADAMS

FINANCE COMMITTEE:

Re: **Ordinance G-2014-6**

Date: May 12, 2014

Time: 5:10 pm

Notify: Nick Cirignano

CHAIRMAN O'DANIEL

Authorizing the City of Evansville, Indiana, to Issue "Economic Development Revenue Bonds (Medical School Project)", and Approving and Authorizing Other Actions in Respect Thereto

Re: **Ordinance F-2014-5**

Date: May 12, 2014

Time: 5:15 pm

Notify: Russell Lloyd, Jr.

Authorizing Transfers of Appropriations, Additional Appropriations and Repeal and Re-Appropriation of Funds for Various City Funds

Re: **Ordinance G-2014-5**

Date: May 12, 2014

Time: 5:20 pm

Notify: Philip Hooper

Authorizing City of Evansville to issue up to \$7,500,000 aggregate principal amount of City of Evansville, Indiana Multifamily Housing Revenue Bonds, Series 2014 (Eastland Apartments Project) and Approving and Authorizing Other Actions in Respect Thereto

Re: **Ordinance G-2014-4**

Date: May 12, 2014

Time: 5:25 pm

Notify: Scott Danks

Repealing Ordinance F-2012-1 Amended (EarthCare)

PUBLIC WORKS COMMITTEE:

Nothing scheduled at this time.

CHAIRMAN LINDSEY

ADJOURNMENT

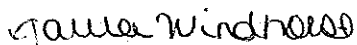
President Friend: Okay, need motion to adjournment.

Councilman O'Daniel: So moved.

Councilman Lindsey: Second.

Councilman O'Daniel moved and Councilman Lindsey seconded the motion to adjourn. Ayes? Nays? (*Unanimous Ayes*) We're adjourned.

Meeting adjourned at 5:48 p.m.



Laura Windhorst, City Clerk



John Friend, President